Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-50 through 9 VAC 5-80-300, and 9 VAC 5-140-10 through 9 VAC 5-140-900 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	UAE Mecklenburg Cogeneration LP
Facility Name:	Mecklenburg Cogeneration Facility
Facility Location:	204 Co-Gen Drive Clarksville, Virginia 23927
Registration Number:	30861
Permit Number:	SCRO30861

___ December 26, 2001
Effective Date

___April 13, 2004_
Modification Date

___March 31, 2003_
Amendment Date

___December 26, 2006
Expiration Date

___April 13, 2004
Director, Department of Environmental Quality

_____
Signature Date

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I. Facility Information

Permittee
UAE Mecklenburg Cogeneration LP
c/o UAE Power Operations Corporation
50 Tice Boulevard
Woodcliff Lake, New Jersey 07677

Responsible Official
William P. Poleway
Asset Manager

NOx Allowance Budget Trading Authorized Account Representative
William P. Poleway
Asset Manager
USEPA AAR ID number 1386

Facility
Mecklenburg Cogeneration Facility
204 Co-Gen Drive
Clarksville, Virginia 23927

Contact Person
Mr. Glenn T. Burney
Plant Manager
434-374-6085

AFS Identification Number: 51-117-0051

ORIS Code: 52007

Facility Description: SIC Code(s) 4911, 4931, 4961 – This facility generates electricity and steam for sale.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
U-1	1/2/A	Foster-Wheeler coal/distillate oil-fired, dry bottom boiler, 1991	834.5×10^6 BTU/hr (heat input at 114% of max. continuous rating)	ABB Flakt Model #HP-266-15, 10 zone, 3.4:1 air/cloth ratio, 213,078 acfm 1 fabric filter, 1991	U1FF	PM, PM-10	March 24, 2003
				ABB Flakt Project # 718, 63.1 gallons/min of lime/ash slurry, 92% efficiency flue gas desulfurization, 1991	U1FGD	SO_2, H_2SO_4, fluoride	
				Foster Wheeler, low NOx and advance over-fire air burner, design emission rating of 0.33 lbs/10^6 Btu, 1991	U1 LNBOFA	NOx	
U-2	1/2/A	Foster-Wheeler coal/distillate oil-fired, dry bottom boiler, 1991	834.5×10^6 BTU/hr (heat input at 114% of max. continuous rating)	ABB Flakt Model #HP-266-15, 10 zone, 3.4:1 air/cloth ratio, 213,078 acfm 1 fabric filter, 1991	U2FF	PM, PM-10	March 24, 2003
				ABB Flakt Project # 718, 63.1 gallons/min of lime/ash slurry, 92% efficiency flue gas desulfurization, 1991	U2FGD	SO_2, H_2SO_4, fluoride	
				Foster Wheeler, low NOx and advance over-fire air burner, design emission rating of 0.33 lbs/10^6 Btu, 1991	U2 LNBOFA	NOx	
A	1/2/A	Zurn Industries distillate oil-fired auxiliary boiler, 1991	94.86×10^6 BTU/hr (heat input)	None	None	None	March 24, 2003

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Coal Handling and Storage							
C-1	fugitive	Active and inactive coal storage piles	active-23,000 tons and inactive-54,000 tons	Wet suppression	none	PM, PM-10	March 24, 2003
C-2	C2BH	Pennsylvania Crusher coal crusher, 1991	450 tons/hr	DCE Model #DLMV30/15F6 fabric filter, 1991	C2BH	PM, PM-10	March 24, 2003
C-3	fugitive	Detroit Stoker railcar unloading building, 1991	450 tons/hr	Wet suppression	none	PM, PM-10	March 24, 2003
C-4	fugitive	Detroit Stoker belt conveyors from railcar unloading to crusher and from crusher to coal stockpile, 1991	450 tons/hr	Wet suppression	none	PM, PM-10	March 24, 2003
C-5	fugitive	Detroit Stoker belt conveyors from coal stockpile to coal bunker, 1991	2@250 tons/hr	Wet suppression	none	PM, PM-10	March 24, 2003
C-6a	C6BH	6 - Detroit Stoker coal bunkers, 1991	235 tons, each	6 - DCE Model #DLMV9/15F1 fabric filters, 1991	C6BH	PM, PM-10	March 24, 2003
C-6b	fugitive	6 - Williams Crusher coal pulverizers	16 tons/hr, each	enclosure	none	PM, PM-10	March 24, 2003

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Lime Handling System							
LS-1	LS-1	Chemco lime storage silo, 1991	178-ton	DCE Model #DLMV9/15K3 fabric filter, 1994	LS1BH	PM, PM-10	March 24, 2003
LS-2	LS-2	Chemco lime storage silo, 1991	178-ton	DCE Model #DLMV9/15K3 fabric filter, 1994	LS2BH	PM, PM-10	March 24, 2003
Ash Handling System							
A-1	A-1	Detroit Stoker boiler ash silo, 1991	1,000-ton	Beckert & Hiester Model 4-160-16-845-2G fabric filter, 1991	A1BH	PM, PM-10	March 24, 2003
A-6a	A-6a	Detroit Stoker recycle ash silo, 1991	49-ton	Flex Clean Model #58-BVBS-16 fabric filter bin vent ,1991	A6aBH	PM, PM-10	March 24, 2003
A-7a	fugitive	Detroit Stoker ash truck loading, 1991	120 tons/hr	Wet suppression and/or total enclosure with closed loop air system	none	PM, PM-10	March 24, 2003
A-8	fugitive	Ash Tech bottom ash conveying, storage, and truck loading, 1991	20 tons/hr	Wet suppression and/or total enclosure with closed loop air system	none	PM, PM-10	March 24, 2003
Distillate Oil Storage Tank							
FOST	Fugitive	Unknown, 1991	90,000-gallon	None	none	VOC	March 24, 2003

* Note: If more than one date is included, please add footnote clarifying which date is for permit and which dates are for amendments.

III. Primary Boiler Requirements - (Ref. U1 and U2)

A. Limitations

1. Table III.A.1 Boilers U1 and U2

Unit ID	Condition No.	PM-10 [1]		NOx [1]		SO^2 [1]		CO [1]		VOC [1]		HF	H_2SO_4
		lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/day	lb/day
U-1	SPC #17	15.0	NA	275.4	NA	143.5	NA	166.9	NA	2.3	NA	11.7	266.5
U-2	SPC #17	15.0	NA	275.4	NA	143.5	NA	166.9	NA	2.3	NA	11.7	266.5
U1 & U2	SPC #18	NA	120.8	NA	2,013.3	NA	859.0	NA	1342.2	NA	18.1	N/A	N/A

[1] Tons/yr calculated monthly as the sum of each consecutive twelve month period.

(9 VAC 5-80-110, Specific Permit Conditions (SPC) #17 and #18 of permit dated March 24, 2003)

2. Table III.A.2 Primary Boiler Emission Limits (Ref. U1, U2)

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	BACT Limit	NSPS Standard/Limit	
PM	0.020 lb/10^6 Btu	0.03 lb/10^6 Btu	SPC #17 dated 3/24/2003
PM-10	0.018 lb/10^6 Btu	NA	SPC #17 dated 3/24/2003
Opacity	10% opacity, with 1-6 min/hr >10%but 27%	20% opacity, with 1-6 min/hr >20%but 27%	SPC #20 dated 3/24/2003
SO_2	0.172 lb/106 Btu rolling 30 day average	1.20 lb./106 Btu rolling 30 day average	SPC #17 dated 3/24/2003
SO_2	2,503 lbs per 3-hour	N/A	SPC #32 dated 3/24/2003
NOx	0.33 lb/10^6 Btu rolling 30 day average	0.60 lb./10^6 Btu rolling 30 day average	SPC #17 dated 3/24/2003
CO	0.20 lb/10^6 Btu	N/A	SPC #17 dated 3/24/2003
VOC	0.0027 lb/10^6 Btu	N/A	SPC #17 dated 3/24/2003

(9 VAC 5-50-260 and 40 CFR 60 Subpart Da)

B. Primary Boiler U1 and U2 Specific Permit Conditions

1. The approved operating fuels for the primary boilers (Ref. U1 & U2) are bituminous coal and distillate oil. Distillate oil is defined as oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils". A change in fuel may require a permit to modify and operate.
   (9 VAC 5-80-110 and SPC of the permit dated March 24, 2003)

2. The annual consumption of coal in primary boilers (Ref. U1 & U2) shall not exceed 536,884 tons, calculated monthly as the sum of each consecutive 12 month period.
   (9 VAC 5-80-110 and SPC #16 of the permit dated March 24, 2003)

3. The maximum sulfur content of the coal shall not exceed 1.3% by weight per shipment.
   (9 VAC 5-80-110 and SPC # 25 of the permit dated March 24, 2003)

4. The maximum sulfur content of the distillate oil shall not exceed 0.3% by weight per shipment.
   (9 VAC 5-80-110 and SPC # 27 of the permit dated March 24, 2003)

5. The maximum annual average sulfur content of the distillate oil shall not exceed 0.2% by weight, calculated monthly as the average of each consecutive 12 month period.
   (9 VAC 5-80-110 and SPC #28 of the permit dated March 24, 2003)

6. Particulate emissions from the primary coal boilers (Ref. U1 & U2) shall be controlled by a fabric filter rated at 99.9 percent (99.9%) control efficiency. The fabric filters may be bypassed during distillate oil boiler start-ups to alleviate potential moisture damage to fabric filters at low start-up temperatures. The fabric filters shall be provided with adequate access for inspection.
   (9 VAC 5-80-110 and SPC #4 of the permit dated March 24, 2003)

7. Sulfur dioxide emissions from the primary coal boilers (Ref. U1 & U2) shall be controlled by water-lime injection spray dryer and fabric filter combination having a minimum of 92 percent control efficiency.
   (9 VAC 5-80-110 and SPC # 6 of the permit dated March 24, 2003)

8. The maximum SO_2 emissions from the primary coal boilers (Ref. U1 & U2) shall not exceed 2,503 pounds per 3 hours. The 3 hour SO_2 emissions shall be calculated from data obtained from the SO_2 continuous emissions monitoring system (CEMS) and stack gas flowmeter in accordance to the provisions of 40 CFR 75 Appendix F.
   (9 VAC 5-80-110 and SPC # 32 of the permit dated March 24, 2003)

9. Nitrogen oxide emissions from the primary coal boilers (Ref. U1 & U2) shall be controlled by low NOx burners and advance overfire air system.
(9 VAC 5-80-110 and SPC #7 of the permit dated March 24, 2003)

10. The visible emissions from the primary boiler (Ref. U1 & U2) stack (Ref. 1 / 2 / A) shall not exceed ten (10) percent opacity, except during one (1) six (6) minute period per hour which shall not exceed twenty-seven (27) percent opacity as determined by EPA Method 9 (reference 40 CFR 60 Appendix A), except during periods of startup, shutdown, or malfunction.
(9 VAC 5-80-110 and SPC #20 of the permit dated March 24, 2003)

11. The permittee shall minimize the carbon monoxide and volatile organic compound emissions from the primary boilers by proper maintenance and good operating procedures. The permittee shall maintain records of scheduled and non-scheduled maintenance to the primary boilers.
(9 VAC 5-80-110)

12. Except where the permit requirements are more restrictive than the applicable NSPS requirements, the primary boilers (Ref. U1 & U2) shall comply with the provision of 40 CFR 60 Subpart Da and 40 CFR 60 Subpart A
(9 VAC 5-80-110)

13. Air pollutant emissions from the primary boilers (Ref. U1 & U2) shall be controlled by good operating practices.
(9 VAC 5-80-110)

C. Primary Boiler (Ref. U1 & U2) Performance Testing

1. At a frequency not to exceed five years, the permittee shall conduct a stack test for particulate matter from one of the primary boilers (Ref. U1 and U2) to demonstrate compliance with the pound per million Btu (heat input) emission limit contained in Table III.A.2of this permit. The initial test shall be performed within 180 days after the effective date of this permit.

2. The test shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests shall be arranged with the South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110 E)

D. Primary Boiler (Ref. U1 & U2) Monitoring

1. A continuous emission monitoring system (CEMS) consisting of a NOx monitor and an oxygen or carbon dioxide monitor shall be used to monitor the two 834.5 x 10^6 Btu/hr primary boiler's (Ref. No. U1 and U2) NOx emissions. The monitoring system shall comply with the provisions of 40 CFR 60 Subpart Da and 40 CFR 60 Subpart A.

   (9 VAC 5-80-110 and SPC #29 of permit dated March 24, 2003)

2. A continuous emission monitoring system (CEMS) consisting of a SO_2 monitor on the inlet and outlet of the flue gas desulfurization system shall be used to monitor the two 834.5 x 10^6 Btu/hr primary boiler's (Ref. No. U1 and U2) SO_2 emissions and flue gas desulfurization efficiency. The monitoring system shall comply with the provisions of 40 CFR 60 Subpart Da and 40 CFR 60 Subpart A.

   (9 VAC 5-80-110 and SPC #29 of permit dated March 24, 2003)

3. A continuous opacity monitoring system (COMS) shall be used to monitor the two primary boilers (Ref. No. U1 and U2). The monitoring system shall comply with the provisions of 40 CFR Subpart 60 Da and 40 CFR 60 Subpart A.

   (9 VAC 5-80-110 and SPC #29 of permit dated March 24, 2003)

4. A flowmeter shall be used to measure the stack gas airflow from the two primary boilers (Ref. No. U1 and U2). The stack gas flowmeter shall be installed, operated, and maintained in accordance with the provisions of 40 CFR 75 Appendices A and B, with the exception that the relative accuracy test audit (RATA) be performed at least once every four (4) consecutive calendar quarters.

   (9 VAC 5-80-110, SPC #32 of permit dated March 24, 2003)

5. The boiler continuous emissions monitors required by this permit are subject to such data capture requirements and/or quality assurance requirements as may be deemed appropriate by the Board (refer to 40 CFR 60.13 and Appendices B and F).

   (9 VAC 5-80-110 and SPC #33 of permit dated March 24, 2003)

6. Each fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.

   (9 VAC 5-80-110, SPC #4 of permit dated March 24, 2003)

E. Primary Boiler (Ref. U1 & U2) Reporting

1. The permittee shall submit reports in accordance with 40 CFR 60 Subpart Da and 40 CFR Subpart A.

2. Stack gas flowmeter reports required by 40 CFR 75 Appendices A and B.

(9 VAC 5-80-110 and SPC #31 of permit dated March 24, 2003

F. Primary Boiler (Ref. U1 & U2) Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

1. Tons of bituminous coal combusted in each of the primary boilers (Ref. U1 & U2) on a monthly and annual basis. Annual consumption is to be calculated monthly as the sum of each consecutive twelve month period.

2. All coal shipments purchased, indicating the maximum sulfur and ash content of each coal shipment.

3. Annual SO_2 emissions in tons. The CEMS shall be used to determine compliance with the annual SO_2 emission standards basis in accordance with Table III.A.1. Annual SO_2 emissions are to be calculated monthly as the sum of each consecutive twelve month period.

4. Annual NOx emissions in tons. The CEMS shall be used to determine compliance with the annual NOx emission standards basis in accordance with Table III.A.1. Annual NOx emissions are to be calculated monthly as the sum of each consecutive twelve month period.

5. Gallons of distillate oil consumed in each primary boiler (Ref. U1 & U2) on a monthly and annual basis. Annual consumption is to be calculated monthly as the sum of each consecutive twelve month period.

6. All reports required by 40 CFR 60 Subpart Da and 40 CFR 60 Subpart A. The permittee shall maintain records of the pollutant-specific emission factors, "F" factor, and the equations used to determine compliance to $lb/10^6$ Btu emission limits.

7. All stack gas flowmeter reports required by 40 CFR 75 Appendices A and B.

8. Records of malfunctions of equipment which would cause a violation of any part of this permit.

9. Records of scheduled and unscheduled maintenance to the boilers or burners.

10. All fuel supplier certifications.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and General Permit Condition (GPC) #6 of permit dated March 24, 2003)

IV. Auxiliary Boiler (Ref. A)

A. Limitations

1. **Table IV.A.1 Auxiliary Boiler (Ref. A) Hourly and Annual Emission Limits**

Unit ID	Condition No.	PM-10 [1]		NOx [1]		SO2 [1]		CO [1]		VOC [1]	
		lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
A [2]	SPC #19	0.95	4.2	37.9	166.0	29.40	128.8	18.97	83.1	0.95	4.2

[1] Tons/yr calculated monthly as the sum of each consecutive twelve month period.

[2] Auxiliary boiler (Ref. A) annual emissions based on 95.8 MM Btu/hr capacity. SO_2 hourly emissions based on 0.3%S, SO_2 annual emissions based on 0.2%S.

(9 VAC 5-80-110 and SPC #19 of permit dated March 24, 2003)

2. **Table IV.A.2 Auxiliary Boiler (Ref. A) Emission Limits**

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	BACT Limit	NSPS Standard/Limit	
PM	0.01 lb/10^6 Btu	20% opacity, with 1-6 min/hr >20%but 27%	SPC #19 dated 3/24/2003
PM-10	0.01 lb/10^6 Btu	NA	SPC #19 dated 3/24/2003
SO_2	0.31lb/106 Btu rolling 30 day average	0.5 lb./106 Btu rolling 30 day average	SPC #19 dated 3/24/2003
SO_2	= 0.3 % (wt) sulfur	= 0.5 % (wt) sulfur	SPC #27 dated 3/24/2003
NOx	0.40 lb/10^6 Btu	NA	SPC #19 dated 3/24/2003
CO	0.20 lb/10^6 Btu	N/A	SPC #19 dated 3/24/2003
VOC	0.01 lb/10^6 Btu	N/A	SPC #19 dated 3/24/2003

(9 VAC 5-50-260 and 40 CFR 60 Subpart Dc)

B. Auxiliary Boiler (Ref. A) Specific Permit Conditions

1. The approved operating fuel for the auxiliary boiler (Ref. A) is distillate fuel oil. Distillate oil is defined as oil that meets the specifications for fuel oil numbers 1 and 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils". A change in fuel may require a permit to modify and operate.

   (9 VAC 5-80-110 and SPC #26 of the permit dated March 24, 2003)

2. The maximum sulfur content of the distillate fuel oil shall not exceed 0.3% by weight per shipment.

   (9 VAC 5-80-110 and SPC #27 of the permit dated March 24, 2003)

3. The maximum annual average sulfur content of the distillate fuel oil shall not exceed 0.2% by weight, calculated monthly as the average of each consecutive twelve month period.

   (9 VAC 5-80-110 and SPC #28 of the permit dated March 24, 2003)

4. Air pollutant emissions from the auxiliary boiler (Ref. A) shall be controlled by good operating practices and proper maintenance. The permittee shall maintain records of all scheduled and unscheduled maintenance to the auxiliary boiler and burner assembly.

   (9 VAC 5-80-110 and SPC #8 of the permit dated March 24, 2003)

5. The visible emissions from the auxiliary boiler (Ref. A) stack (Ref. 1 / 2 / A) shall not exceed ten (10) percent opacity, except during one (1) six (6) minute period per hour which shall not exceed twenty-seven (27) percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.

   (9 VAC 5-80-110 and SPC #20 of the permit dated March 24, 2003)

6. The requirements of 40 CFR 60 Subpart Dc apply to the auxiliary boiler (Ref. A).

   (9 VAC 5-80-110)

C. Auxiliary Boiler (Ref. A) Performance Testing

1. If the distillate oil consumption exceeds 50% of the annual fuel consumption limit, then a performance test for PM from the auxiliary boiler (Ref. A) shall be required within 120 days of the determination of this exceedance to determine compliance with the emission limits contained in Table IV.A.2.

2. The annual fuel consumption limit of the auxiliary boiler (Ref. A) is determined by dividing 94.86×10^6 Btu/hr (max. heat input)/138,000 Btu/gal (Btu value of the distillate oil) and multiplying by 8,760 hours/yr to obtain gallons/yr (6,021,548 gal/yr). If required, this test shall be performed once each five year permit term.

3. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.

(9 VAC 5-80-110E)

D. Auxiliary Boiler (Ref. A) Periodic Monitoring

1. At least one time per calendar week, an observation of the presence of visible emissions from the auxiliary boiler's stack (Ref. No. A) shall be made. If visible emissions are observed the permittee shall:

   a. take timely corrective action such that the boiler resumes operation with no visible emissions, or,

   b. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the boiler stack do not exceed 10 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 10 percent, the VEE shall be conducted for a total of 60 minutes. As an alternative to the VEE, the COMS data may be used to demonstrate compliance to the 10 percent opacity limit. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the boiler resumes operation with visible emissions of 10 percent or less.

2. The permittee shall maintain a boiler observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action. If the boiler has not been operated during the week, it shall be noted in the boiler log book and that a visual observation was not required.
   (9 VAC 5-80-110E)

E. Auxiliary Boiler (Ref. A) Reporting

1. The permittee shall submit reports in accordance with 40 CFR 60 Subpart Dc and 40 CFR 60 Subpart A.
   (9 VAC 5-80-110)

2. The permittee shall submit fuel quality reports to the South Central Regional Office within thirty (30) days after the end of each calendar quarter. If no shipments of distillate oil were received during the calendar quarter, the quarterly report shall consist of the dates included in the calendar quarter and a statement that no oil was received during the calendar quarter. If distillate oil was received during the calendar quarter the reports shall include:

   a. The dates included in the calendar quarter,

   b. A copy of all fuel supplier certifications for all shipments of distillate oil received during the calendar quarter or a quarterly summary from each fuel supplier that includes the information specified in Condition IX.A.7 and 40 CFR 60 Subpart Dc, for each shipment of distillate oil, and

   c. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110 and 9 VAC 5-50-410)

F. Auxiliary Boiler (Ref. A) Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

1. Daily, monthly, and annual consumption of distillate oil, in gallons in the auxiliary boiler (Ref. A). Annual consumption is to be calculated monthly as the sum of each consecutive twelve month period.

2. All distillate oil shipments purchased, indicating the maximum sulfur content of each oil shipment, and certifications required by 40 CFR 60 Subpart Dc.

3. Annual distillate oil sulfur content in weight percent. Annual sulfur content is to be calculated monthly as the average of each consecutive twelve month period.

4. Visual emission observation reports for the auxiliary boiler.

5. Emissions and excess emissions reports in accordance with 40 CFR 60 Subpart Dc and Subpart A. The permittee shall maintain records of the pollutant-specific emission factors, "F" factor, and the equations used to determine compliance to $lb/10^6$ Btu emission limits.

6. All fuel supplier certifications.

7. Records of malfunctions of equipment which would cause a violation of any part of this permit.

8. Records of scheduled and unscheduled maintenance to the boiler or burner assembly.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110 and GPC #6 of permit dated March 24, 2003)

V. Coal Handling System (Ref. C1-C6)

A. Coal Handling System (Ref. C1-C6) Specific Conditions

1. Fugitive dust emissions from coal unloading, feeding, and conveying (Ref. C1, C3, C4, & C5), shall be controlled by wet suppression with surfactant as necessary. Railcars unloading coal shall be housed in an open-ended shelter. Unloading of coal to the storage piles shall be via a stacker tube.

   (9 VAC 5-80-110 and SPC #9 of the permit dated March 24, 2003)

2. The annual throughput of coal shall not exceed 536,884 tons per year, calculated monthly as the sum of each consecutive 12 month period.

   (9 VAC 5-80-110 and SPC #16 of the permit dated March 24, 2003)

3. The coal crusher and pulverizers (Ref. C2& C6b) shall be enclosed to prevent fugitive dust emissions.

   (9 VAC 5-80-110 and SPC #11 of the permit dated March 24, 2003)

4. All conveyor belts (Ref. C4, C5) shall be covered and all returns equipped with a scraper system. Scraping shall be returned in an enclosed manner to the main flow of material.

   (9 VAC 5-80-110 and SPC #12 of the permit dated March 24, 2003)

5. Coal stockpiles (Ref. C1) shall be moistened or treated (wet suppression and surfactant) and the stockpile surfaces shall be kept moist or treated at all times to minimize emissions during storage and handling.

   (9 VAC 5-80-110 and SPC # 14 of the permit dated March 24, 2003)

6. Particulate emissions from coal crusher (Ref. C2) and storage bunkers (Ref. C6a) shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.

   (9 VAC 5-80-110 and SPC #5 of the permit dated March 24, 2003)

7. Visible emissions from the coal crusher (Ref. C2) building and coal bunkers (Ref. C6a) tripper room exhaust vents shall not exceed five percent (5%) opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.

   (9 VAC 5-80-110 and SPC #21 of the permit dated March 24, 2003)

8. Fugitive emissions from coal unloading, belt conveyor transfers, and pulverizers (Ref. C3, C4, C5, C6b) shall not exhibit twenty percent (20%) or greater opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.

   (9 VAC 5-80-110 and 40 CFR 60.252(c))

9. Unless otherwise specified in this permit, the permittee shall operate the coal handling, crushing, and storage facilities (Ref. C2-C6) in compliance with New Source Performance Standards, Subpart Y, Standards of Performance for Coal Preparation Plants.

   (9 VAC 5-80-110)

B. Coal Handling System (Ref. C1-C6) Monitoring

1. The fabric filters on the coal crusher and each coal storage bunker (Ref. C2, C6a) shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.

2. The wet suppression spray system on the rail car unloading system and conveyor handling system (Ref. C3, C4, & C5) shall be operated at optimum design, and pressure gauges shall be installed (with adequate access for inspection of the pressure gauges) to indicate system operating pressures.

(9 VAC 5-80-110)

C. Coal Handling System (Ref. C2-C6) Periodic Monitoring

1. At least one time per calendar week, an observation of the presence of visible emissions from each of the coal handling systems with fugitive emissions (Ref. C1, C3, C4, C5, C6b) and tripper room and coal crusher building (Ref. C2, C6a) vents shall be made. If visible emissions are observed the permittee shall:

   a. take timely corrective action such that the coal handling system with fugitive emissions (Ref. C1, C3, C4, C5, C6b) and tripper room and coal crusher building (Ref. C2, C6a) vents resume operation with no visible emissions, or,

   b. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the coal handling system with fugitive emissions (Ref. C1, C3, C4, C5, C6b) do not exhibit 20 percent or greater opacity limits. The VEE shall be conducted for a minimum of six minutes. If any of the observations exhibit 20 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the coal handling systems (Ref. C1, C3, C4, & C6b) with fugitive emissions resumes operation with visible emissions of less than 20 percent opacity.

   c. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the tripper room and coal crusher building (Ref. C2, C6a) vents do not exceed 5 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 5 percent opacity or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the process equipment emission points (Ref. C2, C5, C6a) resume operation with visible emissions of less than 5 percent opacity.

2. The permittee shall maintain a visual observation log for the coal handling systems with fugitive emissions and tripper room and coal crusher building (Ref. C2, C6a) vents to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-110 E)

D. Coal Handling System (Ref. C1-C6) Recordkeeping

The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but not limited to:

1. the annual throughput of coal, calculated monthly as the sum of each consecutive twelve month period.

2. the results of the weekly opacity observation of all emissions points as required in Condition V.C, along with any corrective actions.

3. All records and copies of all reports required by 40 CFR 60 Subpart Y and 40 CFR 60 Subpart A.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and GPC #6 of the permit dated March 24, 2003)

VI. Lime Handling System (Ref. LS1 & LS2)

A. Lime Handling System (Ref. LS1 & LS2) Specific Conditions

1. Particulate emissions from lime storage silos (Ref. LS1 & LS2) shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.

   (9 VAC 5-80-110 and SPC #5 of the permit dated March 24, 2003)

2. The lime slaker emissions shall be controlled by a dust suppression aspirator and water jet spray system. The aspirator vapor discharge shall be piped directly to the slurry tank for complete enclosure of all dust particles during the slaking process.

   (9 VAC 5-80-110 and SPC #10 of the permit dated March 24, 2003)

3. Visible emissions from both lime silo (Ref. LS1 & LS2) fabric filters shall not exceed five percent (5%) opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.

   (9 VAC 5-80-110 and SPC #21 of the permit dated March 24, 2003)

4. Fugitive emissions from the lime handling system (Ref. LS1 & LS2) shall not exceed twenty percent (20%) opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent (30%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.

   (9 VAC 5-80-110)

B. Lime Handling System (Ref. LS1 & LS2) Monitoring

1. The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.

   (9 VAC 5-80-110)

2. The water aspirator shall be equipped with a device to continuously measure pressure of the water aspirator system. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.

   (9 VAC 5-80-110 and SPC #10 of the permit dated March 24, 2003)

C. Lime Handling System (Ref. LS1 & LS2) Periodic Monitoring

1. At least one time per calendar week, an observation of the presence of visible emissions from each of the lime handling system (Ref. LS1 & LS2) emission points and processing equipment enclosures shall be made. If visible emissions are observed the permittee shall:

   a. take timely corrective action such that the lime handling system (Ref. LS1 & LS2) emission points and processing equipment enclosures resumes operation with no visible emissions, or,

   b. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the lime handling system (Ref. LS1 & LS2) emission points controlled by fabric filters do not exceed 5 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 5 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the lime handling system emission points enclosures which are controlled by fabric filter resumes operation with visible emissions of less than 5 percent opacity.

c. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the lime handling system (Ref. LS1 & LS2) emission points with fugitive emissions do not exceed 20 percent or greater opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the lime handling system (Ref. LS1 & LS2) emission points enclosures with fugitive emissions resumes operation with visible emissions of less than 20 percent opacity.

2. The permittee shall maintain a visual observation log for the lime handling system (Ref. LS1 & LS2) emission points and processing equipment enclosures to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-110E)

D. Lime Handling System (Ref. LS1 & LS2) Recordkeeping

The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but not limited to:

1. the annual throughput of lime, calculated monthly as the sum of each consecutive twelve month period.

2. the results of the weekly visual observation of all emissions points and process enclosures, along with any corrective actions

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and GPC #6 of the permit dated March 24, 2003)

VII. Ash Handling System (Ref. A1-A8)

A. Ash Handling System (Ref. A1-A8) Specific Conditions

1. Particulate emissions from recycle ash and ash storage silos (Ref. A1 & A6a) shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.

(9 VAC 5-80-110 and SPC #5 of the permit dated March 24, 2003)

2. Fugitive dust emissions from the ash and flue gas desulfurization product storage silo (Ref. A7a & A8) shall be controlled by mixing the discharge with water or by total enclosure and close looping the displaced air back to the fabric filter per the submittal dated September 10, 1999.

   (9 VAC 5-80-110 and SPC #13 of the permit dated March 24, 2003)

3. Visible emissions from recycle ash and ash storage silos (Ref. A1& A6a) fabric filters (Ref. A1BH & A6aBH) shall not exceed five percent (5%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.

   (9 VAC 5-80-110 and SPC #21 of the permit dated March 24, 2003)

4. Fugitive emissions from the ash handling system (Ref. A7a & A8) shall not exceed twenty percent (20%) opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent (30%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except during periods of startup, shutdown, or malfunction.

   (9 VAC 5-80-110)

B. Ash Handling System (Ref. A1-A8) Monitoring

The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.

(9 VAC 5-80-110)

C. Ash Handling System (Ref. A1-A8) Periodic Monitoring

1. At least one time per calendar week, an observation of the presence of visible emissions from each of the ash handling system (Ref. A1-A8) emission points shall be made. If visible emissions are observed the permittee shall:

   a. take timely corrective action such that the ash handling system emission points resumes operation with no visible emissions, or,

   b. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the ash handling system emission points do not exceed 5 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 5 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the ash handling system emission (Ref. A1-A8) points resumes operation with visible emissions of less than 5 percent opacity.

c. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the ash handling system (Ref. A1-A8) emission points with fugitive emissions do not exceed 20 percent or greater opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent or greater, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the ash handling system emission points enclosures with fugitive emissions resumes operation with visible emissions of less than 20 percent opacity.

2. The permittee shall maintain a visual observation log for the ash handling system (Ref. A1-A8) emission points and processing equipment enclosures to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-110)

3. **Ash Handling System (Ref. A1-A8) Recordkeeping**

The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but not be limited to the results of the weekly visual observation of all emissions points and process enclosures, along with any corrective actions. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110)

VIII. Distillate Fuel Oil Storage Tank (Ref. FOST) Recordkeeping

The permittee shall maintain records showing the dimensions of the 90,000-gallon distillate fuel oil storage tank (Ref. FOST) and an analysis showing the capacity of the Subsection 60.116b of NSPS Subpart Kb. These records are to be kept for the life of the distillate fuel storage tank.

(9 VAC 50-80-110)

IX. Facility Wide Conditions

A. Facility-Wide Specific Conditions

1. Fugitive emissions from all external or frequently traveled facility access roads shall be controlled by paving.

(9 VAC 5-80-110 and SPC #15 of the permit dated March 24, 2003)

2. The permitted facility shall be designed and constructed to allow emissions testing using appropriate methods upon reasonable notice at any time.

(9 VAC 5-80-110 and GPC #4 of the permit dated March 24, 2003)

3. The permittee shall develop, maintain, and have available to all operators good written operating procedures for all air pollution control equipment and significant emissions units. A maintenance schedule for all such equipment shall be established and made available to the South Central Regional Office, for review. Records of service, visual emission observations, and maintenance shall be maintained on file by the source for the most current five (5) years.
   (9 VAC 5-80-110 and GPC #7 of the permit dated March 24, 2003)

4. The permittee shall retain records of all emission data and operating parameters required, to include process throughputs, by the terms of this permit. These records shall be maintained by the source for the most current five year period.
   (9 VAC 5-80-110 and GPC #6 of the permit dated March 24, 2003)

5. The permitted facility is to be constructed and operated as represented in the permit application dated February 3, 1989, included amendments dated March 8, 1990, May 11, 1989, October 3, 1989, January 2, 1990, January 22, 1990, February 14, 1990, February 5, 1990, March 2, 1990, March 7, 1990, March 9, 1990, April 20, 1990, May 11, 1990, and July 23, 1999.
   (9 VAC 5-80-110 and SPC #2 and GPC #10 of the permit dated March 24, 2003)

6. Mecklenburg Cogeneration Limited Partnership shall maintain a spare parts inventory for equipment associated with all air pollution control and monitoring equipment to minimize down time during periods of malfunction. In the event that any pollution control equipment on any of the main boilers malfunctions or has unscheduled maintenance in such a manner as to cause a violation of any emission standard set forth in this permit for more than one hour, Mecklenburg Cogeneration Limited Partnership shall notify the South Central Regional Office, by telephone or telegraph as soon as practicable but no later than four business hours after becoming aware of the occurrence. If, after three hours, the exceedence cannot be corrected, Mecklenburg Cogeneration Limited Partnership shall immediately shut down the affected boiler in a controlled fashion. When the condition causing the failure, malfunction, or unscheduled maintenance has been corrected and the air pollution control equipment and the main boiler is again operating, Mecklenburg Cogeneration Limited Partnership shall notify the South Central Regional Office.
   (9 VAC 5-80-110 and SPC #35 of the permit dated March 24, 2003)

7. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:

   a. The name of the fuel supplier;

   b. The date on which the distillate oil was received;

   c. The volume of distillate oil delivered in the shipment;

   d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications D396 for numbers 1 or 2 fuel oil, and

e. The sulfur content of the distillate oil.

(9 VAC 5-80-110 and SPC #30 of the permit dated March 24, 2003)

X. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation 9 VAC	Pollutant(s) Emitted (if applicable to 9 VAC 5-80-720 B)	Rated Capacity (if applicable to 9 VAC 5-80-720 C)
	Turbine oil vapor extraction line vent	5-80-720B	VOC < 5 tons/yr	NA
	Turbine oil defoaming return vent	5-80-720B	VOC < 5 tons/yr	NA
	Cooling tower sodium hypochlorite tank vent	5-80-720.A.40	NA	NA
	Cooling tower sodium bromide tank vent	5-80-720.A.40	NA	NA
	Cooling tower dispertant tank vent	5-80-720.A.40	NA	NA
	Cooling tower phosphate/polymer tank vent	5-80-720.A.40	NA	NA
	Water treatment bulk sulfuric acid vent	5-80-720.B.6	$H2_SO_4$	< 1,000 lb
	Water treatment bulk caustic vent	5-80-720.B.1	PM-10	< 5.0 tons/yr
	Water treatment ferric sulfate vent	5-80-720.B.1	PM-10	< 5.0 tons/yr
	Distillate oil tanks 300-gallon fire pump	5-80-720.B.2	VOC	< 5.0 tons/yr
	Distillate oil tanks 280-gallon refueling	5-80-720.B.2	VOC	< 5.0 tons/yr
	Ash vacuum blower exhaust	5-80-720.B.1	PM-10	< 5.0 tons/yr
	Lime storage silo pressure relief valve	5-80-720.A.13	PM-10	< 5.0 tons/yr
	Recycle ash silo pressure relief valve	5-80-720.A.13	PM-10	< 5.0 tons/yr
	Ash storage silo pressure relief valve	5-80-720.A.13	PM-10	< 5.0 tons/yr
	Diesel-powered emergency fire pump	5-80-720.C.4.b	NA	235 HP

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-490 C, E, and F.

XI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

XII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
   (9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, South Central Regional within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition C.3 above of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, South Central Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, South Central Region.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
   (9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
   (9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

XIII. NO_x Budget Trading Program Requirements

As required by 9 VAC 5-140-200 A, each NOx Budget source is required to have a federally enforceable permit. This section represents the NOx Budget permit.

A. General Conditions

1. The NO_x Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5 Chapter 80, Article 1 and 9 VAC 5 Chapter 140, Part I.
(9 VAC 5-140-200 A)

2. The following air emission unit(s) have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2.

Table XIII – 1
Facility NO_x Budget Units

Facility Unit ID	NATS ACCOUNT No.	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Nominal Net Generation Capacity (megawatts)
U-1	052007000001	Foster-Wheeler coal/distillate oil-fired, dry bottom boiler, 1991	834.5×10^6 BTU/hr (heat input at 114% of max. continuous rating)	72
U-2	052007000002	Foster-Wheeler coal/distillate oil-fired, dry bottom boiler, 1991	834.5×10^6 BTU/hr (heat input at 114% of max. continuous rating)	72

(9 VAC 5-140-40).

3. This NOx Budget Trading permit will become effective on May 31, 2004.
(9 VAC 5-140-240.1)

B. Standard Requirements

1. **Continuous monitoring requirements**.

   a. The owners and operators and, to the extent applicable, the NO_X authorized account representative of each NO_X Budget source and each NO_X Budget unit at the source shall comply with the monitoring requirements of 9 VAC 5 Chapter 140, Part I, Article 8.

   (9 VAC 5-140-60 B.1).

   b. The emission measurements recorded and reported in accordance with 9 VAC 5 Chapter 140, Part I, Article 8 and Subparts H of 40 CFR 75 and 40 CFR 97 shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under paragraphs B.2.a. through B.2.h.

   (9 VAC 5-140-60 B.2)

2. **Nitrogen oxides requirements.**

   a. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with 9 VAC 5 Chapter 140, Part I Article 8, plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.

   (9 VAC 5-140-60 C.1)

   b. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of the Clean Air Act, and Virginia Air Pollution Control Law.

   (9 VAC 5-140-60 C.2)

   c. A NO_x Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on May 31, 2004.

   (9 VAC 5-140-60 C.3)

   d. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with 9 VAC 5 Chapter 140, Part I, Articles 5, 6, 7, and 9.

   (9 VAC 5-140-60 C.4)

e. A NO_X allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 (Condition XIII.B.2.a) for a control period in a year prior to the year for which the NO_X allowance was allocated.

(9 VAC 5-140-60 C.5)

f. A NO_X allowance allocated by the DEQ or the administrator under the NO_X Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_X Budget Trading Program. No provision of the NO_X Budget Trading Program, the NO_X Budget permit application, the NO_X Budget permit (Section XIII of this permit), or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

(9 VAC 5-140-60 C.6)

g. A NO_x allowance allocated by the DEQ or the administrator under the NO_x Budget Trading Program does not constitute a property right.

(9 VAC 5-140-60 C.7)

h. Upon recordation by the administrator under 9 VAC 5 Chapter 140, Part I, Articles 6, 7, or 9, every allocation, transfer, or deduction of a NO_X allowance to or from a NO_X Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_X Budget permit of the NO_X Budget unit by operation of law without any further review.

(9 VAC 5-140-60 C.8)

3. Excess emissions requirements.

The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:

a. Surrender the NOx allowances required for deduction under 9 VAC 5-140-540 D 1; and,

b. Pay any fine, penalty, or assessment or comply with any other imposed under 9 VAC 5-140-540 D 3.

(9 VAC 5-140-60 D)

C. Recordkeeping and Reporting Requirements.

The following requirements concerning recordkeeping and reporting shall apply:

1. The owners and operators of the NO_X Budget source and each NO_X Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the DEQ or the administrator.

(9 VAC 5-140-60E.1)

a. The account certificate of representation for the NO_X authorized account representative for the source and each NO_X Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_X authorized account representative.
(9 VAC 5-140-60 E.1)

b. All emissions monitoring information, in accordance with 9 VAC 5 Chapter 140, Part I, Article 8.
(9 VAC 5-140-60 E.1)

c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_X Budget Trading Program.
(9 VAC 5-140-60 E.1)

d. Copies of all documents used to complete a NO_X Budget permit application and any other submission under the NO_X Budget Trading Program or to demonstrate compliance with the requirements of the NO_X Budget Trading Program.
(9 VAC 5-140-60 E.1)

2. The NO_X authorized account representative of a NO_X Budget source and each NO_X Budget unit at the source shall submit the reports and compliance certifications required under the NO_X Budget Trading Program, including those 9 VAC 5 Chapter 140, Part I, Articles 4, 8, or 9.
(9 VAC 5-140-60 E.2)

D. Liability

1. Any person who knowingly violates any requirement or prohibition of the NOx Budget Trading Program, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.
(9 VAC 5-140-60 F.1)

2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
(9 VAC 5-140-60 F.2)

3. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
(9 VAC 5-140-60 F.3)

4. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 F.4)

5. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.

   (9 VAC 5-140-60 F.5)

6. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under 9 VAC 5 Chapter 140, Part I, Article 8, the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

   (9 VAC 5-140-60 F.6)

E. Effect on Other Authorities.

No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NOx Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

(9 VAC 5-140-60 G)

F. Incorporation by Reference

Each NOx Budget permit is deemed to incorporate automatically upon recordation by the Administrator under 9 VAC 5 Chapter 140, Part I, Articles 6, 7, or 9,every allocation, transfer, or deduction of a NOx allowance to or from the compliance accounts of the NOx Budget source covered by this permit.

(9 VAC 5-140-230)